

and certain subgroups. Since the toxicological end point pertains to developmental toxicity, the population group of interest for this analysis is women aged 13 and above, the subgroup which most closely approximates women of child-bearing age. The MOE is calculated as the ratio of the NOEL to the exposure. For this analysis, the Agency calculated the MOE for the high-end exposures for women ages 13 and above. The MOE is 120. Generally speaking, MOEs greater than 100 for developmental toxicity do not raise concerns.

The metabolism of the chemical in plants and animals for the use is adequately understood. Secondary residues occurring in livestock and their byproducts are not expected since there are no known animal feed stock uses for bell peppers. Adequate analytical methodology (HPLC-Fluorescence Methods) is available for enforcement purposes. Prior to publication in the Pesticide Analytical Manual, Vol II, the enforcement methodology is being made available in the interim to anyone who is interested in pesticide enforcement when requested from Calvin Furlow, Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5232.

The tolerances established by amending 40 CFR part 180 will be adequate to cover residues in or on bell peppers. There are currently no actions pending against the continued registration of this chemical. Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 3F4258/P630]. All

written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [PP 3F4258/P630] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:  
opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary

impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 28, 1995.

Stephen L. Johnson,  
Director, Registration Division, Office of  
Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation of part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By amending § 180.449 in paragraph (b) in the table therein, by adding and alphabetically inserting an entry for bell pepper, to read as follows:

#### § 180.449 Avermectin B<sub>1</sub> and its delta-8,9-isomer; tolerances for residues.

| * * * * *           |  |  |  |                   |
|---------------------|--|--|--|-------------------|
| (b) * * *           |  |  |  |                   |
| Commodity           |  |  |  | Parts per million |
| * * * * *           |  |  |  |                   |
| Peppers, bell ..... |  |  |  | 0.01              |
| * * * * *           |  |  |  |                   |

[FR Doc. 95-22869 Filed 9-19-95; 8:45 am]

BILLING CODE 6560-50-F

**40 CFR Part 300****[FRL-5299-4]****National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List****AGENCY:** The Environmental Protection Agency.**ACTION:** Notice of Intent to Delete the Arkansas City Dump Site from the National Priorities List (NPL): Request for Comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Arkansas City Dump Site from the NPL and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. This action, to delete the site from the NPL, is proposed because the EPA has completed the Superfund remedial action at this site.

**DATES:** Comments concerning this action may be submitted by October 20, 1995.

**ADDRESSES:** Comments to be considered by EPA in this decision should be mailed to: David V. Crawford, Remedial Project Manager, Superfund Division, U.S. Environmental Protection Agency/Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** David Crawford at (913) 551-7702.

**SUPPLEMENTARY INFORMATION:** Comprehensive information on this site is available for public review in the Docket prepared by EPA, which contains the documents and information EPA reviewed in the decision to delete this site from the NPL. The Docket is available for public review during normal business hours at the EPA Region VII Docket Room at the above address and at the Public Library, 125 East Fifth Avenue, Arkansas City, Kansas 67005. To obtain copies of documents in the Docket or in the EPA Administrative Record or for additional information, contact: David V. Crawford, Remedial Project Manager, Superfund Division, U.S. Environmental Protection Agency/Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

I. Introduction  
II. NPL Deletion Criteria  
III. Deletion Procedures

IV. Basis for Intended Site Deletion  
V. Bibliography

Section I is an introduction providing background information about this site. Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures for deleting sites from the NPL. Section IV discusses how the site meets the NPL deletion criteria. Section V lists references and sources of information.

**I. Introduction**

The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Arkansas City Dump Site in Arkansas City, Kansas from the National Priorities List (NPL), which constitutes Appendix B of the NCP, and requests comments on this action.

The EPA identifies sites which may present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund or by responsible parties. Pursuant to the NCP at 40 CFR 300.425(e)(3), any site deleted from the NPL remains eligible for Fund-financed actions if conditions at the site ever warrant.

The EPA will accept comments concerning the proposal to delete the Arkansas City Dump Site from the NPL for thirty (30) calendar days after publication of this notice in the Federal Register.

**II. NPL Deletion Criteria**

The NCP established the criteria that the Agency uses to delete sites from the NPL. In accordance with the NCP at 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

- (i) EPA, in consultation with the State, has determined that responsible parties or other parties have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup is appropriate; or
- (iii) Based upon a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health, welfare or the environment, and, therefore, remedial measures are not required.

In addition to the above, for all remedial actions which result in

hazardous substances, pollutants or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, EPA will reassess the continued adequacy and protectiveness of the remedial actions periodically, and no less than once every five years. The EPA expects to conduct five-year reviews on the remedial action completed on the Arkansas City Dump Site even after this site has been deleted from the NPL.

**III. Deletion Procedures**

In the NPL rule-making published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures following for adding sites to the NPL should also be used before sites are deleted. The NCP, at 40 CFR 300.425(e)(4) and (5) directs that the same Federal Register notice procedures for placing sites on the NCP will be used for deleting sites from the NPL.

This Federal Register notice is EPA's notice of its intent to delete the Arkansas City Dump Site from the NPL. The EPA will accept comments from the public on this proposal for a period of thirty (30) calendar days beginning today, the date of this notice in the Federal Register. The EPA will address all significant comments received on this proposal in a Responsiveness Summary, which EPA will place in the Docket on this decision. After considering these comments, if EPA decides to proceed with the deletion of the Arkansas City Dump Site from the NPL, EPA will publish another notice in the Federal Register recording this decision.

**IV. Basis for Intended Site Deletion**

The EPA has completed a final remedy remedial action at this site. The remedial action was implemented by EPA using the Hazardous Substances Response Trust Fund, because financially viable and liable potentially responsible parties could not be identified.

The remedial action consisted of treating the acidic sludges with cement kiln dust and lime to eliminate the acidity of the sludge. All acidic sludge above the water table was treated, capped on the site, and seeded with vegetation to minimize erosion. The site was then posted with warning no-trespassing signs.

The EPA also completed the first year of operation and maintenance (O&M) for the remedial action in November 1993. The O&M then became the responsibility of the State of Kansas.

The EPA, in consultation with the State of Kansas, has determined that a final remedy has been successfully completed by EPA at this site. In consultation with the State of Kansas, EPA has further determined that these remedial actions continue to be protective of public health, welfare and the environment, thereby satisfying Deletion Criteria "ii" above.

#### V. Bibliography

Remedial Investigation/Feasibility Study Reports, Kansas Department of Health and Environment.

U.S. EPA Operable Unit Record of Decision, September 29, 1988.

U.S. EPA Explanation of Significant Difference, May 25, 1990.

U.S. EPA Proposed Plan, August 1989.

U.S. EPA Final Record of Decision, September 19, 1989.

Community Relations Plan, May 22, 1981.

Fluor Daniel, Inc. (EPA contractor) Final Report, Remedial Action Implementation, Arkansas City Dump Site, February 1994.

U.S. EPA Superfund Site Closeout Report, August 1995.

Superfund State Contract, September 6, 1991.

Dated: August 31, 1995.

Gale Hutton,

Acting Regional Administrator.

[FR Doc. 95-23319 Filed 9-19-95; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 95-103; RM-8659]

#### Radio Broadcasting Services; Wyeville, WI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; dismissal.

**SUMMARY:** This document dismisses a petition filed by Josephine Miracle proposing the allotment of Channel 267A to Wyeville, Wisconsin. See 60 FR 35548, July 10, 1995. Josephine Miracle withdrew her petition in accordance with Section 1.420(j) of the Commission's Rules and no other interest has been expressed for a channel in Wyeville. It is the Commission's general policy to refrain from making a new allotment to a community absent an expression of interest. Since there is no interest here, we will dismiss Josephine Miracle's

petition. With this action, this proceeding is terminated.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, MM Docket No. 95-103, adopted September 7, 1995, and released September 14, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-23290 Filed 9-19-95; 8:45 am]

BILLING CODE 6712-01-F

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Notice of 90-Day Finding on Petition To List the Riverside Cuckoo Bee as Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 90-day petition finding to list the Riverside cuckoo bee (*Holcopasites ruthae*) as endangered under the Endangered Species Act of 1973, as amended (Act). The Service finds that substantial information has not been presented to indicate the requested action may be warranted. Information is lacking to adequately identify the status and distribution of the Riverside cuckoo bee.

**DATES:** The finding in this notice was made on September 11, 1995. Comments and materials regarding this petition finding may be submitted to the Field Supervisor at the address listed below until further notice.

**ADDRESSES:** Information, comments, or questions regarding this petition finding should be submitted to the Field

Supervisor, Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. The petition, the Service's finding, and additional information are available for public inspection, by appointment, during normal business hours at the above address.

#### FOR FURTHER INFORMATION CONTACT:

Chris Nagano, Fish and Wildlife Biologist, at the above address (telephone 619/431-9440).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition.

On April 14, 1992, the Service received a petition dated April 13, 1992, from Dr. K.W. Cooper of the University of California at Riverside, California. The petitioner requested that the Service list the Riverside cuckoo bee (*Holcopasites ruthae*) as an endangered species. The petition was clearly identified as such and contained the name, signature, and address of the petitioner. A letter acknowledging receipt of the petition by the Service was sent to the petitioner on May 15, 1992. On April 16, 1992, Dr. Cooper submitted a second letter requesting the Service list the Riverside cuckoo bee under an emergency basis.

The Service's finding is based on information contained in the petition, the literature provided by the petitioner, and information available in the Service's files. All documents are on file in the Carlsbad Field Office (See **ADDRESSES** section).

The Riverside cuckoo bee is associated with coastal sage scrub containing brittle bush (*Encelia farinosa*) within a relatively small area of northwestern Riverside County, California (Visscher *et al.* 1992). Its known distribution extends from the City of Riverside east to near Calimesa and south to the Lake Perris Recreation Area. This species is a solitary cleptoparasite (an organism that feeds on food stored for the host larvae). The only known host of the Riverside cuckoo bee is the dagger andrenid bee (*Calliopsis pugionis*) (Visscher *et al.* 1992; Cooper 1993), which is endemic to Los Angeles, Riverside, and San